



New Jersey Department of Children and Families Policy Manual

Manual:	IAIU	Institutional Abuse Investigation Unit	Effective Date:
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Subchapters:	I	Institutional Abuse Investigation Unit	
Issuance:	800	Institutional Medical Neglect of Disabled Children With Life-Threatening Conditions	

Federal and State Law

10-27-2008

Federal law, "The Child Abuse Prevention, Adoption, and Family Services Act of 1988," P.L. 100-294, 42 U.S.C. 510 et seq., requires each recipient State child protection service agency to have programs or procedures, or both:

- To utilize its authority under State laws as may be necessary to prevent the withholding of medically indicated treatment from disabled children with life-threatening conditions, when responding to reports of medical neglect;
- For prompt notification to the State child protective service agency (i.e., State Central Registry, for notification to CP&P or IAIU) by individuals designated by and within appropriate health care facilities of cases of medical neglect (including instances of the withholding of medically indicated treatment from disabled children with life threatening conditions); and
- To provide for coordination and consultation with individuals designated by and within appropriate health care facilities.

Such matters are commonly known as "Baby Doe" cases.

In accordance with NJ State law, N.J.S.A. 9:6-8.84, a disabled child with a life-threatening condition can be considered medically neglected when denied medically-indicated treatment which, in the treating physician's reasonable judgment, will most likely be effective in ameliorating or correcting such conditions. Medically indicated treatment includes appropriate nutrition, hydration, and medication.

IAIU investigates each reported incident. IAIU handles the report as a critical incident, and assures that it is documented in, and trackable through, the DCF Critical Incident Recording System. The investigation outcome may be reported to the US Department of Health and Human Services in accordance with Federal guidelines.

A disabled child who, in good faith, is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious

denomination by a duly accredited practitioner thereof, shall not, for this reason alone, be considered to be an abused or neglected child, nor shall this condition preclude the Department (IAIU) from providing services or seeking court relief. See N.J.S.A. 9:6-1.1, Treatment of Ill Children According to Religious Tenets of Church.

Outreach to Contact Persons Designated by Health Care Facilities 7-31-2008

Per law, each health care facility operating within New Jersey designates an individual to handle all complaints of suspected medical neglect (including instances of the withholding of medically indicated treatment from disabled children with life threatening conditions). This individual may be known as the "Baby Doe Contact."

IAIU Central Office contacts each health care facility annually to obtain or confirm the name, official title, and direct telephone number of the designated individual.

IAIU sends each acute care facility a copy of Procedures for the Investigation of Baby Doe Cases in New Jersey (see [IAIU-I-A-1-1100](#)), to advise the health care facility of reporting requirements in New Jersey, and policy and procedures for investigation of institutional medical neglect of disabled children with life-threatening conditions.

Policy and Procedures Related to Investigation of Institutional Medical Neglect of Disabled Children with Life-Threatening Conditions 7-31-2008

Upon receipt of the CPS report at State Central Registry, SCR contacts the IAIU Regional Supervisor and the Pediatric Consultant (see [IAIU-I-A-1-1100](#)). The Pediatric Consultant contacts the person named by the facility as its "Baby Doe Contact," as specified by P.L. 98-457. The Pediatric Consultant reviews the child's condition and makes an appointment to initiate an on-site investigation, if indicated.

When indicated, the investigative team (IAIU Investigator and Pediatric Consultant) speak to the child's physician as well as to the Chairperson of the medical facility's Infant Care Review Committee (ICRC), or another designated person having first-hand knowledge of the child's situation. The team makes efforts to meet with the parents of the child.

The IAIU Investigator attempts to obtain necessary information regarding the sequence of events which lead up to the CPS report, pursuant to N.J.S.A. 9:6-8.40. The Investigator requests a copy of the necessary medical records and the complete minutes of the proceedings of the ICRC.

The Pediatric Consultant reviews the records, and, when appropriate, makes a request to examine the child. He or she makes a determination of whether the decision to withhold treatment is reasonable, based on the available information. The Pediatric Consultant may be assisted in these efforts by other pediatricians from the NJ Chapter of the American Academy of Pediatrics. See [IAIU-I-A-1-1100](#).

Terminate Intervention, if IAIU Determines No Action Needed 7-31-2008

When IAIU determines that no further CPS intervention is necessary, the investigation is terminated. The Investigator writes a report which is signed by him or herself, the Pediatric Consultant, the IAIU Regional Office Supervisor, and the Director of IAIU. The report is sent to the Hospital Administrator and a limited number of other appropriate parties (e.g., the NJ Department of Health; possibly the Chairman of the Board of Directors). If the case is active, IAIU forwards a copy of its finding determination notification letter to the assigned CP&P Worker.

Contact DAG, if IAIU Determines Intervention Is Warranted 7-31-2008

When IAIU determines that additional intervention is required to protect the interests of the child, the Investigator or his or her Supervisor confers with the appropriate Deputy Attorney General to prepare for court intervention. IAIU may seek court relief under N.J.S.A. 9:6-8.86, to prevent the withholding of medically indicated treatment from a disabled child with a life threatening condition, or to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child. See CP&P policy, [CP&P-I-A-1-100](#), Authority to Seek Court Relief.

The institutional abuse investigation report - Investigation Summary, completed in NJ SPIRIT, printable as DCF [Form 2-1](#), is completed and approved within 60 calendar days of assignment from SCR to IAIU for response, as required by policy on conducting a CPS-IAIU investigation. See [IAIU-I-A-1-200](#), IAIU Case Recording.

Related CP&P Policy

7-31-2008

- [CP&P-II-C-5-700](#), Institutional Medical Neglect
- [CP&P-II-E-1-3100](#), Medical Neglect of Disabled Infants (for investigating the specific allegation from the Allegation-Based System)
- [CP&P-V-A-1-250](#) for policy regarding Do Not Resuscitate (DNR) Orders